

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

**ANSUR AMERICA INSURANCE
COMPANY,**

Plaintiff,

vs.

No. 3:09-CV-512

(VARLAN/GUYTON)

**BEN TESTERMAN CONSTRUCTION
CO., INC.,**

Defendant.

AGREED ORDER OF COMPROMISE AND DISMISSAL

The parties are in agreement that Commercial General Liability Policy number CPP931443 issued by Plaintiff Ansur America Insurance Company to Defendant Ben Testerman Construction Co., Inc. ("BTCC") does not provide insurance coverage to BTCC in connection with the Knox County Chancery Court civil action number 175699-3 described in paragraph 6 of the Complaint herein and in Exhibit B attached thereto. Whereas a Policy Release has been duly executed and the parties agree that there are no further matters in controversy, it is hereby

ORDERED that this civil action shall be, and the same hereby is DISMISSED, without prejudice, with each party bearing its own respective attorney fees, discretionary costs, and other expenses incurred in connection with this civil action.

ENTER:

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE

{01005446.DOC}

APPROVED FOR ENTRY:

s/ Carmen Y. Ware

Thomas A. Williams, BPR No. 001688

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s/ J. Thomas Jones by Carmen Y. Ware with permission

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